

ESTTA Tracking number: **ESTTA752682**

Filing date: **06/15/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Six Continents Limited
Granted to Date of previous extension	06/15/2016
Address	Broadwater Park, North Orbital Road Denham Buckinghamshire, UB95HR UNITED KINGDOM
Attorney information	SABINA A VAYNER KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE ST, SUITE 2800 ATLANTA, GA 30309 UNITED STATES svayner@ktslaw.com, tlord@ktslaw.com, kteilhaber@ktslaw.com, tmadmin@ktslaw.com

Applicant Information

Application No	86757916	Publication date	02/16/2016
Opposition Filing Date	06/15/2016	Opposition Period Ends	06/15/2016
Applicant	IHOTELGROUP LIMITED FLAT/RM C, 14/F. NORTH POINT, HONG KONG		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Making hotel reservations for others; Providing information in the field of temporary accommodations for travelers; Travel agency services, namely, making reservations and booking for temporary lodging

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3544074	Application Date	11/14/2006
Registration Date	12/09/2008	Foreign Priority Date	NONE

Word Mark	IHG
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 BUSINESS MANAGEMENT; BUSINESS ADVISORY AND BUSINESS CONSULTANCY SERVICES RELATING TO HOTEL MANAGEMENT AND TO HOTEL FRANCHISING; HOTEL MANAGEMENT SERVICES FOR OTHERS; ADVERTISING, MARKETING, PUBLICITY, PUBLIC RELATIONS, PROMOTION SERVICES AND INFORMATION SERVICES RELATING THERETO, ALL SUCH SERVICES ALSO BEING PROVIDED ONLINE FROM A COMPUTER DATABASE OR FROM THE INTERNET; PERSONNEL RECRUITMENT, EMPLOYMENT HIRING AND PERSONNEL MANAGEMENT SERVICES; OPERATION AND SUPERVISION OF LOYALTY PROGRAMS AND INCENTIVE PROGRAMS

U.S. Registration No.	3826138	Application Date	04/27/2009
Registration Date	07/27/2010	Foreign Priority Date	NONE
Word Mark	IHG INTERCONTINENTAL HOTELS GROUP PARTNERCONNECT		
Design Mark			
Description of Mark	The mark consists of the letters and words "IHG INTERCONTINENTAL HOTELS GROUP PARTNERCONNECT" in stylized lettering with the design of a stick figure.		
Goods/Services	Class 043. First use: First Use: 2009/06/00 First Use In Commerce: 2009/06/00 HOTEL SERVICES		

U.S. Registration No.	4921698	Application Date	04/01/2015
Registration Date	03/22/2016	Foreign Priority Date	NONE
Word Mark	IHG		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2010/05/00 First Use In Commerce: 2010/05/00 Downloadable mobile applications for accommodation reservations and bookings and for providing information on travel, local events, dining, ground transportation, and accommodations; downloadable mobile applications allowing users to post ratings, reviews, and recommendations on events, locations, businesses, services, and activities in the fields of entertainment, travel, tourism, hotels, and restaurants; downloadable mobile applications that enable users to review and manage their loyalty and incentive program accounts</p> <p>Class 041. First use: First Use: 2003/04/15 First Use In Commerce: 2003/04/15 Educational services, namely, conducting programs and providing classes, seminars, and workshops in the field of the hospitality industry; nightclubs</p> <p>Class 043. First use: First Use: 2003/04/15 First Use In Commerce: 2003/04/15 Hotel services; bar and restaurant services; cocktail lounge services; catering-services for the provision of food and drink; provision of conference, meeting, exhibition, and general purpose event facilities; travel and accommodation booking services, namely, making reservations and bookings for temporary lodging; travel booking services, namely, making reservations and bookings for restaurants and meals</p>

Attachments	77043817#TMSN.png(bytes) 77722845#TMSN.png(bytes) 86584272#TMSN.png(bytes) 2016.06.15 Notice of Opposition (iHotelGroup).pdf(134120 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Sabina A.Vayner/
Name	SABINA A VAYNER
Date	06/15/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SIX CONTINENTS LIMITED,

Opposer,

v.

IHOTELGROUP LIMITED,

Applicant.

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Opposition No. _____

TM:



(App. Serial No. 86757916)

NOTICE OF OPPOSITION


Opposer Six Continents Limited, a company organized and existing under the laws of the United Kingdom, having its registered office at Broadwater Park, North Orbital Road, Denham, Buckinghamshire UB9 5HR, England, will be damaged by registration of the mark set forth in Application Serial No. 86757916 (IH & Design) (the “Application”), owned by Applicant iHotelGroup Limited (“Applicant”), and states the following for its opposition to the Application:

1. Six Continents Limited is the owner of the well-known IHG mark, both standing alone and in combination with other terms and/or design elements, which it and its predecessors in interest, affiliated entities, and licensees (collectively, “Six Continents”) have used continuously in United States commerce for over a decade in connection with hotel, hospitality, and related services (the “IHG Mark”), and since long prior to the Application’s September 16, 2015 filing date.

2. As a result of Six Continents’ long and continuous use of its IHG Mark in connection with its hotel, hospitality, and related services, and as a result of Six Continents’ extensive advertising and promotion of services under its IHG Mark, the consuming public and the trade have come to recognize the IHG Mark as belonging to Six Continents, and associate

and identify the services offered under the IHG Mark with Six Continents. Six Continents consequently derives invaluable goodwill and value from this recognition, association, and identification by the consuming public and the trade.

3. In addition to its strong common law rights in the IHG Mark, Six Continents is the owner of several registrations that consist of or incorporate its IHG Mark, including the following:

Trademark	Reg. No.	Reg. Date	Goods and/or Services	First Use in Commerce
IHG	3544074	12/9/2008	<u>Class 35</u> : business management; business advisory and business consultancy services relating to hotel management and to hotel franchising; hotel management services for others; advertising, marketing, publicity, public relations, promotion services and information services relating thereto, all such services also being provided online from a computer database or from the internet; personnel recruitment, employment hiring and personnel management services; operation and supervision of loyalty programs and incentive programs.	Sept. 2007
	3826138	7/27/2010	<u>Class 43</u> : hotel services.	June 2009

Trademark	Reg. No.	Reg. Date	Goods and/or Services	First Use in Commerce
IHG	4921698	3/22/2016	<p><u>Class 9</u>: downloadable mobile applications for accommodation reservations and bookings and for providing information on travel, local events, dining, ground transportation, and accommodations; downloadable mobile applications allowing users to post ratings, reviews, and recommendations on events, locations, businesses, services, and activities in the fields of entertainment, travel, tourism, hotels, and restaurants; downloadable mobile applications that enable users to review and manage their loyalty and incentive program accounts</p> <p><u>Class 41</u>: educational services, namely, conducting programs and providing classes, seminars, and workshops in the field of the hospitality industry; nightclubs</p> <p><u>Class 43</u>: hotel services; bar and restaurant services; cocktail lounge services; catering services for the provision of food and drink; provision of conference, meeting, exhibition, and general purpose event facilities; travel and accommodation booking services, namely, making reservations and bookings for temporary lodging; travel booking services, namely, making reservations and bookings for restaurants and meals</p>	<p>April 15, 2003 (Classes 41 and 43)</p> <p>May 2010 (Class 9)</p>

(collectively, the “IHG Mark Registrations”).

4. The IHG Mark Registrations are valid and subsisting, and affidavits have been filed in accordance with Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, for Registration Nos. 3544074 and 3826138. These registrations are therefore incontestable.

5. Because of the high degree of inherent and acquired distinctiveness of the IHG Mark, the length of time and extent to which Six Continents has used the IHG Mark, the advertising and publicity the IHG Mark has received, the substantial trading area in which the IHG Mark is used, and the high degree of consumer recognition of the IHG Mark, the IHG Mark is a well-known and strong trademark, deserving of a broad scope of legal protection.

6. On September 16, 2015, Applicant filed an intent-to-use application with the USPTO to register the IH & Design mark underlying Application Serial No. 86757916 (“Applicant’s Mark”) for “agency services for the reservation of temporary accommodation; providing a website for making reservations and booking of eco-lodging; making hotel reservations for others; providing information in the field of temporary accommodations for travelers; travel agency services, namely, making reservations and booking for temporary lodging” in Class 43.

7. The services recited in the Application are virtually identical to and/or overlap with the services that Six Continents currently provides in intrastate and interstate commerce in connection with its IHG Mark, and which it provided for years prior to any actual or constructive use date of Applicant’s Mark.

8. Applicant’s Mark is very similar in sight, sound, and commercial impression to the IHG Mark.

9. Applicant had constructive knowledge and, on information and belief, also had actual knowledge of Six Continents’ IHG Mark prior to adopting Applicant’s Mark.

10. Applicant had constructive knowledge and, on information and belief, also had actual knowledge of Six Continents' IHG Mark prior to filing the Application.

11. Six Continents will be damaged by registration of Applicant's Mark because the mark so resembles the IHG Mark as to be likely to cause confusion, mistake, and deception. Persons familiar with the IHG Mark and the services offered under the IHG Mark would be likely to believe erroneously that Applicant's services are the services of Six Continents or are authorized, endorsed, sponsored, or licensed by Six Continents. Thus, registration of Applicant's Mark on the Principal Register would be inconsistent with Six Continents' strong prior rights in its IHG Mark under 15 U.S.C. §§ 1052(d) and 1063.

12. Six Continents therefore requests that the Board sustain this proceeding in Six Continents' favor by refusing registration to the mark underlying Application Serial No. 86757916.

13. The Director is authorized to debit Kilpatrick Townsend & Stockton LLP's Trademark Deposit Account No. 20-1430 for the required \$300.00 opposition fee.

This 15th day of June, 2016.

Respectfully submitted,



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